

## **CrR 58. PROCEDURES FOR MISDEMEANORS AND OTHER PETTY OFFENSES**

**(a) Scope.** [Reserved].

**(b) Pretrial Procedures.** All informations, indictments, citations, or other instruments on file with the clerk which charge only misdemeanors (including such cases transferred to this district under Rule 20 of the Federal Rules of Criminal Procedure) shall upon filing with the clerk be designated for proceeding before a magistrate judge. If the defendant does not consent to trial and/or disposition before a magistrate judge, and if such consent is required, the clerk shall reassign the case for trial and/or disposition before a district court judge.

**(c) Additional Procedures Applicable Only to Petty Offenses, etc.** [Reserved].

**(d) Securing the Defendant's Appearance; Payment in Lieu of Appearance.**

(1) *Forfeiture of Collateral.* Payment of sums fixed in this court's Schedule of Forfeitable Bail may be accepted in lieu of appearance and as authorizing termination of the proceedings.

Where such proceedings involve a charge of moving traffic violations, the Clerk shall transmit a copy of the charge to the appropriate state's driver licensing authority, and identify it as a record of conviction. A copy of the current "Schedule of Forfeitable Bail and Mandatory Appearances for Misdemeanors and Infractions in the Western District of Washington" is available at the Clerk's Office.

(2) and (3) [Reserved].

**(e) and (f) [Reserved].**

**(g) Appeal.**

(1) [Reserved].

(2) *Decision, Order, Judgment or Sentence by a District Judge.*

(A) to (B) [Reserved].

(C) *Record--Transcript or Recording of Proceeding Before Magistrate Judge.* Where the proceedings before a magistrate judge were tape recorded, that recording will be available for review by the district judge, without further action by the parties. Where either party wishes to have a transcript made from that recording, or where the proceedings were attended by a court reporter, that party shall be responsible for arranging for and paying the costs of the preparation of the transcript. A party who qualifies may obtain authorization for the transcript pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A. Counsel for appellant

shall arrange to have such transcript filed within 21 days after the Notice of Appeal is filed; but upon motion made within such time, the district judge may extend the deadlines for transcript and briefs.

(D) [Reserved].

(E) Briefs. Appellant shall file and serve his brief within 28 days after filing the Notice of Appeal. Appellee shall file and serve his brief in response within 14 days thereafter. Appellant may file and serve a reply brief within seven days thereafter. If appellant is representing himself, he may file a short statement of the issues for the court to consider on appeal, instead of a formal brief.

(F) Oral Argument. The district judge shall have discretion whether to schedule oral argument on an appeal. Any party may request oral argument not later than the deadline for the filing of his initial brief.

(3) [Reserved].

[Effective July 1, 1997.]